

# EXHIBIT G



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February 8, 2024

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(Via Certified Mail, return receipt requested, and e-mail)

**Re: Cease and Desist directed to Michael Allen and Pinnacle Employee Services, Inc. ("PES, Inc.")**

Dear Messrs. Decker, Croddy and Swenson:

As you know, this office is counsel for Pinnacle Employee Services, LLC ("PES LLC"), including in connection with the recently dismissed matter of *Pinnacle Employee Services, Inc. and Michael Allen v. Pinnacle Holding Company, LLC, Pinnacle Employee Services, LLC and Pinnacle Investments, LLC*, in the United States District Court for the Eastern District of California, Index No. 2:22-cv-01367. We are reaching out to Decker Krogh as counsel for the Plaintiffs in that matter and to the Swenson Law Firm as attorney of record for those parties in connection with their United States Patent and Trademark Office Trademark Registration No. 6696685. Please advise the undersigned immediately if you no longer represent those entities.

On Tuesday, February 6, 2024, it came to my client's attention that Michael Allen posted a video on YouTube, available at <https://www.youtube.com/watch?v=dbiF0RVPeLQ>, entitled "PSA – Beware of this IMPOSTER. A company is posing as US." This video was posted on the Pinnacle Employee Services YouTube account, available at <https://www.youtube.com/@PinnacleEmployeeServices>. The description of the video states:



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PSA: Please be aware of this company posing as us "Pinnacle Employee Services". We have been providing businesses with payroll, HR, and benefits since 2005. Pinnacle Employee Services is impersonating our company. We are federally trademarked with the USPTO. Please do not be fooled by this company.

In the video, Mr. Allen makes a number of false and defamatory statements, including a claim that "for the past nine years, a company named PES out of Syracuse, New York . . . has been impersonating [his] company and offering the same services." Mr. Allen also falsely and confusingly characterizes PES, LLC and "Pinnacle Holding" as "unregistered," implying that those entities are somehow illegitimate or unauthorized to do business.

Yesterday, February 7, Mr. Allen continued to post this video across our client's social media platforms, including Facebook, LinkedIn and YouTube. Though our client attempted to remove these offending, false and defamatory posts, your client continued to post the video on our client's accounts and pages. Further, my client's YouTube channel was removed from YouTube earlier today based on an anonymous report that it violated YouTube's "impersonation policy." Obviously, Mr. Allen submitted a malicious and false report that our client's account or content "impersonated" PES, Inc.

Mr. Allen's and PES, Inc.'s statements that PES, LLC is an "imposter" or that it has "impersonated" PES, Inc. are both false and misleading. As you know, PES, LLC is a wholly viable and successful business enterprise entirely within its own rights. It has been in existence for a decade, most of that time without any knowledge or indication of PES, Inc.'s existence. Without rehashing the parties' extensive prior correspondence outlining PES, LLC's superior trademark rights to the name PINNACLE EMPLOYEE SERVICES, suffice it to say that PES, LLC has never represented itself as being or having any affiliation with Mr. Allen or PES, Inc. To the contrary, PES, LLC has not need or desire to be confused for or any way associated with Mr. Allen or his business. Moreover, PES, LLC operates lawfully and assiduously adheres to all legal, statutory and regulatory requirements. Mr. Allen's statements that PES, LLC or Pinnacle Holding Company are "impersonating" his lesser-known and less robust business, or that they are deceiving or misleading the public or consumers, is not only false, but of a kind that is injurious to PES, LLC's business and trade.

The malicious nature of Mr. Allen's and PES, Inc.'s statements – which need not be proven to sustain a defamation per se claim – is self-evident. Mr. Allen made those statements on PES, LLC's social media platforms, which are viewed by PES, LLC clients, customers and stakeholders. The only purpose behind sharing those statements is to harm PES, LLC's reputation and relationship with its clients and prospective business partners. Mr. Allen's efforts to secure a removal or suspension of PES, LLC's YouTube account has further damaged our client and reflects a pattern of harassment.



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As such, Mr. Allen and PES, Inc. is liable to PES, LLC for defamation per se and injurious falsehood, and may be liable for tortious interference with contract and/or tortious interference with a prospective business opportunities in violation of various State and Federal statutes and/or the common law.

**Accordingly, we demand that immediately upon receipt of this letter and in no event later than Friday February 9, 2024, Michael Allen, PES, Inc. and all of their agents, employees and representatives:**

- 1. Remove and permanently delete the above referenced video from (a) YouTube, PES, Inc.'s website, (b) all social media accounts controlled or operated by Michael Allen and/or PES, Inc., and (c) anywhere else that it has been posted or disseminated;**
- 2. Remove and permanently delete all posts, articles, comments and all other online or print publications referring to PES, LLC, Pinnacle Holding Company, Pinnacle Investments, or any of their agents, employees or representatives;**
- 3. Permanently refrain from making any statements whatsoever, regardless of platform or format, referencing or regarding PES, LLC, Pinnacle Holding Company, Pinnacle Investments, or any of their agents, employees or representatives;**
- 4. Permanently refrain from taking any steps to interfere with, render complaints against, demand the takedown of or otherwise affect any website or social media account of PES, LLC, Pinnacle Holding Company, Pinnacle Investments, or any of their agents, employees or representatives; and**
- 5. Execute and deliver to this office within 2 days a signed, written statement retracting and withdrawing any claims that PES, LLC or its affiliates are "impersonating" PES, Inc., Mr. Allen, or their business affairs, with the understanding that PES, LLC may submit such statement to any clients, customers or others that may have received or accessed client's false and defamatory statements, as well as any social media company that has taken action with respect to PES, LLC's accounts.**

If Mr. Allen and PES, Inc. continues in their course of conduct or otherwise refuses to comply with the foregoing demands, PES, LLC reserves it rights to file suit against them in New York federal or state court and seeking all compensatory and punitive damages available to it at law. Additionally, my clients reserves all of its rights and legal remedies, including the right to bring suit against Mr. Allen and PES, Inc. client for trademark infringement, unfair competition and related claims under the Lanham Act and attendant State stator and common law, seeking both damages and cancellation of their trademark registration.



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Very truly yours,

**HANCOCK ESTABROOK, LLP**

A handwritten signature in black ink, appearing to read 'JP Youngs', with a stylized flourish at the end.

James P. Youngs

cc: Pinnacle Employee Services, LLC